

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 618 of 2007(W)

PETITIONER:

K.K. JOSEPH, S/O. KURIAN,
HOUSE NO.32/570, J.M.K. BUILDING,HOLY ANGELS ROAD,
SOUTH KALAMASSERY, ERNAKULAM.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER IBRAHIM

RESPONDENTS:

1. THE INSPECTOR OF POLICE,
C.B.I., COCHIN-17.

2. THE SUPERINTENDENT OF POLICE,
C.B.I., COCHIN-17.

BY ADV. SRI.S.SREEKUMAR, SC FOR CBI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) NO. 618 OF 2007

Dated this, the 9th day of January 2007.

J U D G M E N T

Heard learned counsel for the petitioner and learned Standing Counsel for the CBI.

2. Petitioner's passport is seized and produced before the C.B.I. Court pursuant to registration of FIR against the petitioner under Secs. 120B and 420 I.P.C. and Sec. 13(2) read with Sec. 13(1) (d) of Prevention of Corruption Act, 1988. Petitioner secured a job in the United Nations as Inspector (Chemical Production Technologist) for the Prohibition of Chemical Weapons and he ought to have reported for duty on 8th January 07. Since only enquiry is going on as of now by C.B.I., this Court felt that the petitioner should not be made to sacrifice the attractive job he got, on account of pendency of enquiry by C.B.I. This Court therefore vide interim order dated 04/01/2007, directed C.B.I. to complete questioning of the petitioner. Even though the respondents filed Writ Appeal against the said order, Division Bench of this Court vide judgment in W.A. No. 37/07, upheld the interim order and further observed that, if required C.B.I can go to the place of employment of the petitioner for further questioning. In short, this Court upheld petitioner's entitlement to go abroad and to

take the job. The petitioner was relieved from his service by his employer withholding all retirement benefits during pendency of criminal proceedings, as per Ext.P12 judgment of this Court. Besides all these, the case against the petitioner involves only Rs. 11 lakhs. In the circumstances, this writ petition is disposed of with a direction to the C.B.I Judge, where F.I.R. is filed, to release the passport of the petitioner on petitioner's executing a bond for Rs. 50,000/- (Rupees fifty thousand only) with two solvent sureties, whereby petitioner will undertake to co-operate with the enquiry and appear before the C.B.I. as and when required, after C.B.I issues sufficient notice. Petitioner will also furnish the place of address and his telephone numbers abroad for C.B.I to demand appearance and for ensuring compliance with the bond conditions. If there is any violation of conditions by petitioner, the C.B.I Court can take appropriate action. C.B.I. court is directed to issue passport immediately on production of bond executed by the petitioner as above.

Issue copy today itself.

(C.N.RAMACHANDRAN NAIR, JUDGE)